

REMOTE MEETINGS PROTOCOL

Introduction

This Protocol and accompanying Standing Orders set out the procedure and guidance for the conduct of remote meeting of the Council, and its various Committees and Sub-Committees, held under the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the “2020 Regulations”).

They apply until 7 May 2021.

1.0 Annual Meeting

- 1.1 Holding an Annual Meeting during what would have been the normal 2020/21 municipal year is now a matter of choice.
- 1.2 Whether to hold an Annual Meeting will be a political decision. The Mayor may call for a meeting, either later in the municipal year, or at the start of the 2021/22 municipal year.
- 1.3 Some Members may still wish to call for an Annual Meeting and this can be done through a vote at an ordinary or extraordinary meeting of the Council.
- 1.4 It should be noted that, where an Annual Meeting is delayed, all appointments from the 2019 Annual Meeting continue.

Amendment to SO 1

2.0 Notice of Meetings

- 2.1 The meetings schedule agreed by Council may be changed. Re-arranged meeting dates will be agreed with Committee Chairs and Members notified accordingly.
- 2.2 The proper officer will give the requisite notice to the public of the time of a meeting, and the agenda, together with details of how to join the meeting will be available on the Council’s website <https://democracy.harrogate.gov.uk>
- 2.3 Members will be notified of a remote meeting by email and all agenda papers will be available on the Council’s website and via Modern.Gov or other electronic means as appropriate. Members of the public may access agenda papers, minutes, decision and other relevant documents through the Council’s website. Paper copies of agendas will be available to Members on request no less than 7 days before a meeting.

- 2.4 The 'place' at which the meeting is held will be shown as 'online only' on the agenda summons. Meetings will be accessed via a link for those participating, or may be viewed on the Council's YouTube channel for those wishing to observe.

Amendment to SO1 and Access to Information Procedure Rule 5

3.0 Access to Remote Meetings

- 3.1 Members and members of the press and public will need to use video conferencing facilities provided by the Council to attend a meeting remotely. The Democratic Services team will be responsible for setting up and operating the technical aspects of the meetings.
- 3.2 If this is not possible, attendance may be by telephone as referred to in Regulation 5(6)(c) of the Regulations, but this should only be used by Members where video conferencing is not practicable.
- 3.3 Remote access for members of the public and Members who are not attending to participate in the meeting together with the press, will be provided through a live webcast on the Council's YouTube channel. A link will be provided on the published agenda.
- 3.4 If technology fails for a wholly remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful.
- 3.5 It is important to note that the public accessing the meeting by remote means, as described here, is different from the public attending to exercise a right to speak. A technological failure removing the ability for the public to access the meeting by remote means renders the whole meeting incapable of proceeding (as described above).
- 3.6 When member of the public notifies Democratic Services that they wish to attend to exercise their rights under the opportunity to speak scheme they should also submit their statement in written form to Democratic Services before the meeting. Should there be a failure of the technology and they are unable to speak at the meeting or should they fail to log or dial into the meeting their statement will be read out by the Democratic Services officer instead. The item can then proceed.
- 3.7 If a member of public submits a question under Standing Order 27 – Public Arrangements – Questions and there is a failure of the technology at the meeting and they are unable to read out their question in person or should they fail to log or dial into the meeting then the Democratic Services Officer will read out the question. The item can then proceed
- 3.8 Where a member of the public attends a regulatory panel of the Licensing Committee to take part in a hearing and is unable to do so renders that item incapable of proceeding.

- 3.9 Where a member of the public is invited to take part in a meeting of the Overview and Scrutiny Commission and is unable to do so, the Chair of the Commission will determine whether that item can proceed or should be adjourned until such time as the member of the public can join the meeting.

Amendment to SO1 and Access to Information Procedure Rule 3

4.0 Management of the Meeting

- 4.1 Any Member participating in a meeting remotely, must when they are speaking, be able to be heard (and if possible seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and if possible see) those other Members participating.
- 4.2 In addition, a remote participant must be able to be heard by, and in turn hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting.
- 4.3 The Chair will confirm at the outset of the meeting that they can see and hear all participating Members. Any Member participating remotely should also confirm at the outset that they can see and hear the proceedings and the other participants. This will be done by means of a roll call of Committee Members carried out by the Democratic Services Officer, who will record attendance.
- 4.4 The normal quorum requirements for meetings as set out in the Council's Constitution will also apply to a remote meeting. As set out in standing orders quorum is one quarter of Members and not less than three.
- 4.5 Should any aspect of an individual Member's remote participation fail the Chair may call a short adjournment of up to five minutes or so to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative. If the connection is not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate and the public are able to hear. If the meeting is not quorate without the Member whose connection has failed then the remaining business will be considered at a time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting. Standing orders do not permit substitution part way through a meeting.
- 4.6 If the Chair is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period (being 10-15 minutes), then the remaining business will be considered at a time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

- 4.7 In the event of connection failure, the remote Member(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Member(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item/s.
- 4.8 If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment. The Member who was disconnected will not however be able to vote on the matter under discussion as they would not have heard all the debate.
- 4.9 If a connection to a Member is lost during a regulatory meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts and submissions.

Amendment to SO 7 - Quorum

5.0 Remote Attendance of the Public

- 5.1 Any member of the public participating in a meeting remotely in exercise of their right to ask a question or in regulatory or other meetings must meet the same criteria as Members of the Council. Members of the public attending a meeting remotely must, likewise, when they are speaking be able to be heard (and ideally be seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other Members participating be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- 5.2 Advance notification from members of the public wishing to speak at a meeting will be required by emailing democraticservices@harrogate.gov.uk For those items of business, an invitation to participate in the remote technology can then be sent out in advance.
- 5.3 The Democratic Services Officer will be able to mute the member of the public once they have spoken, and remove them from the remote meeting on the instruction of the Chair, in order to maintain the good administration of the meeting or to retain order.
- 5.4 A breakdown of the technology should not disadvantage the member of the public in remote attendance wherever possible. Failure of the technology affecting members of the public attending to exercise a right to speak will be dealt with as detailed in section 3 above. A technological failure removing the ability for the public to access the meeting by remote means renders the whole meeting incapable of proceeding (as described above).

Amendment to SO27 – Public Questions; Opportunity to Speak Scheme

6.0 Meeting Procedures

- 6.1 In addition to the Democratic Services Officer responsible for the meeting an additional Democratic Services Officer will act as meeting facilitator to control the technology and administer the public and Member interaction on the instruction of the Chair.
- 6.2 It would assist the meeting if Members wishing to speak on an item could indicate their wish to speak to the Chair and the Democratic Services Officer in advance of the start of the meeting where possible.
- 6.3 The Chair will follow the rules set out in the Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.
- 6.4 The Chair, at the beginning of the meeting, will explain the protocol for member and public participation and the rules of debate. The Chair's ruling during the debate will be final.

Meeting Etiquette

- 6.5 Committee members are asked to join the meeting no later than fifteen minutes before the start to allow themselves and the meetings facilitator or Democratic Services Officers the opportunity to test the equipment
- 6.6 Any camera (video-feed) should show a non-descript background or, where possible, a virtual background and Members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
- 6.7 Members should type their name on joining the meeting in full, eg, "Cllr Joanne Smith".
- 6.8 All Members to have their microphones muted when not talking to prevent interference and background noise.
- 6.9 Rather than raising one's hand or rising to be recognised or to speak, Members should use the chat facility to indicate to the Chair that they wish to speak. Members will unmute their microphone when the Chair invites them to speak and state their name before making a comment
- 6.10 The chat facility must not be used for private conversations between Members during the meeting.
- 6.11 Members should only speak when invited to by the Chair
- 6.12 Only one person may speak at any one time
- 6.13 When referring to a specific report, page, or slide, Members should mention the report, page, or slide so that all Members have a clear understanding of what is being discussed at all times.

- 6.14 Where members of the public are exercising speaking rights at the meeting via remote attendance, the Chair will as part of their introduction explain the procedure for their participation which will reflect those relevant elements of the above. If members of the public do not adhere to this procedure then the Chair shall give them due warning of the power to remove them from the meetings. If the interruption continues then the Chair may ask the meeting facilitator to mute them or remove them from the meeting.

Voting

- 6.15 When the Chair is satisfied that there has been sufficient debate and (if the rules of the meeting require) there is a proposer and seconder for the item being discussed the Chair will progress to the vote by the following method.
- 6.16 The Democratic Services officer will call out the name of each Member present with Members stating 'for', 'against' or 'abstain' to indicate their vote when their name is called. The Democratic Services Officer will then clearly state the result of the vote.
- 6.17 Details of how Members voted will not be minuted unless a Recorded Vote is called. Where a Recorded Vote is requested the Chair will ask Members in turn to signify verbally whether or not they support that request.
- 6.18 Whilst every attempt will be made to ensure the security of meetings, we cannot rule out the possibility that an individual might find a way to hack into and disrupt a meeting. In the event that this happens the Chair should adjourn the meeting

Amendment to SO 16 - Voting

7.0 Declaration of Interests

- 7.1 Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. Their departure will be confirmed by the Democratic Services Officer or meeting facilitator, who will invite the relevant Member by invite or email link, to re-join the meeting at the appropriate time.

Amendment to SO28 - interests

8.0 Exclusion of Public and Press

- 8.1 Council meetings are not open to the public when confidential, or "exempt" issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Where possible such items will be considered once all 'open' items have been considered. Once the exclusion has been agreed by the meeting the Democratic Services officer will close the publicly accessible remote meeting and circulate a new link to meeting to be held in exempt session.

- 8.2 Each Member and officer in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be hearing or seeing consideration of such items and/or recording the proceedings.
- 8.3 Any Member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would be in breach of the Members' Code of Conduct.

9.0 Recording and Retention of Meetings

- 9.1 All meetings will be recorded by the Council.
- 9.2 Live streams of remote meetings will be made available on the Council's YouTube channel. The recordings of the meetings will be available on YouTube for a period of two weeks following the meeting after which time they will be removed. Recordings of meetings will be retained in accordance with data retention procedures.
- 9.3 Recordings may be removed from the Council's YouTube channel if, in the reasonable opinion of the Monitoring Officer, it may prejudice the Council's, or the public's interests. Content may also be removed if the Monitoring Officer considers that it is necessary because all or part of the content of the recording is, or is likely to be, in breach of any statutory provision or common law doctrine (for example Data Protection/GDPR and Human Rights legislation or provisions relating to confidential or exempt information).
- 9.4 Anyone who is concerned about any recording should raise their concerns with the Monitoring Officer.

Copyright Notice

- 9.5 The recordings, and copyright therein, remain the property of the Council, and the right to copy, issue, rent, perform, communicate or adapt any of the recordings is restricted as follows:

(i) Subject to (ii) and (iii) below, any person may copy and use recorded material or part thereof provided that the facility is not used in a way that otherwise breaks the law and that the whole agenda item is displayed.

(ii) The use of any recording involving the alteration or editing of the material which results in changing the message or context is not permitted without the prior written approval of the Monitoring Officer.

(iii) The use of recording for commercial purposes involving re-use of the material is not permitted, unless the prior written approval of the Monitoring Officer is obtained.

Amendments to Standing Orders

1A No Requirement to Hold an Annual Meeting

The requirement to hold an Annual Meeting is to be disregarded and, prior to 7th May 2021, an Annual Meeting of Council may only take place:

- (a) where called by the Chair; or
- (b) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.

Amends Council Standing Order 1(1) (Annual Meeting)

2A Access to Information

For all purposes of the Constitution, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:

- (a) “open to inspection” shall include for these and all other purposes as being published on the website of the council; and
- (b) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.

Amends Council Standing Orders 1(4) 6 (notice and summons to meeting) and Access to Information Procedure Rule 5 (access to agenda and reports before the meeting), etc.

3A Remote Access to Meetings

- (a) For all purposes of the Constitution the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:
 - (i) “place” is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers: and
 - (ii) “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person; and

- (b) If the Chair is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

**Amends Council Standing Orders 1(3) 6 (notice and summons to meeting) and
Access to Information Procedure Rule 3 (rights to attend meetings)**

4A Members in Remote Attendance

- (a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting's quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:
- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chair may, as they deem appropriate;
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;
 - (ii) count the number of Members in attendance for the purposes of the quorum; or
 - (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

Amends Council Standing Order 7 (quorum)

5A Remote Attendance by Members of the Public

- (a) A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of

the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iv) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in Standing Order 5A(a) above are not met. In such circumstance the Chair may, as he or she deems appropriate:
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in Standing Order 5A(a) above to be re-established;
 - (ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or
 - (iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

**Amends Council Standing Order 27 (questions by the public),
Amends any scheme for public participation in respect of planning, licensing and other committees and
Executive Procedure Rule 2.2**

6A Remote Voting

Unless a recorded vote is demanded, [which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chair,] the Chair will take the vote ...

- (a) [,by use of the electronic voting system[s] for Remote Voting and voting in the Chamber or where an electronic voting system is not working correctly or unavailable ...];
- (b) by the affirmation of the meeting if there is no dissent [by assent]; or
- (c) the Chair will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.

Amends Council Standing Order 16 (voting)

7A Members excluded from the meeting

Where a Member is required to leave the meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.

Amends Council Standing Order 28 (Member Conduct).